IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.7241 OF 2005
IN
CRI.APPEAL NO.1030 OF 2005

Shri.Shukracharya @ Sani
Brijbhushan Pande ..Applicant
Vs.
State of Maharashtra ..Respondents

...
Shri.A.P.Kulkarni Advocate for Applicant
Mr.Rajesh More A.P.P. for the State
...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : OCTOBER 28, 2005

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking bail. The applicant has been convicted under Section 376 of IPC and sentenced to imprisonment for three years.

3. It is contended on behalf of the applicant that the maximum sentence imposed on the applicant is three years and out of the said period the applicant has already undergone almost one year. He has further submitted that appeal is not likely

to be heard with the next two years hence, the applicant may be granted bail.

4. The Supreme Court in the case of **Bhagwan Rama Gosai and Ors. Vs. State of Gujrat** reported in **(1999) 4 SCC 421,** has observed that if the sentence is of limited duration and the appeal cannot be heard expeditiously, then bail should be granted. It is not possible to hear the present appeal expeditiously. In view of all the facts and circumstances, I am inclined to grant bail.

5. The applicant-Shri.Shukracharya @ Sani Brijbhushan Pande to be released on bail in the sum of Rs.15,000/- with one or two sureties to make up that amount. During the pendency of the appeal, the applicant shall report to Yerawada Police Station, Pune on last Sunday of every month.

6. Application is disposed of.

[V.K.TAHILRAMANI,J.]